

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,019	01/16/2004	Hiroyuki Hojo	P24550.dc1.doc	5762
7055 75	590 11/15/2005		EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			NGUYEN, KIEN T	
1950 ROLAND CLARKE PLACE RESTON, VA 20191			ART UNIT	PAPER NUMBER
RESTON, VA	0191	•	3711	
			DATE MAILED: 11/15/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary The MAILING DATE of this communication applifor Reply HORTENED STATUTORY PERIOD FOR REPLICHEVER IS LONGER, FROM THE MAILING DITENSION of time may be available under the provisions of 37 CFR 1.1 for SIX (6) MONTHS from the mailing date of this communication. No period for reply is specified above, the maximum statutory period islure to reply within the set or extended period for reply will, by statute by reply received by the Office later than three months after the mailing med patent term adjustment. See 37 CFR 1.704(b). Responsive to communication(s) filed on 22 A and 32 This action is FINAL. 2b This Since this application is in condition for allowed closed in accordance with the practice under A sition of Claims Claim(s) 1-22 is/are pending in the application is the condition of the second of the condition of th	Y IS SET TO EXPIRE 3 MONTH(ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE ag date of this communication, even if timely filed the communication of the communicati	S) OR THIRTY (30) DAYS, N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
The MAILING DATE of this communication applied Reply HORTENED STATUTORY PERIOD FOR REPLICHEVER IS LONGER, FROM THE MAILING DITENSIONS of time may be available under the provisions of 37 CFR 1.1 for SIX (6) MONTHS from the mailing date of this communication. NO period for reply is specified above, the maximum statutory period filter to reply within the set or extended period for reply will, by statute yr reply received by the Office later than three months after the mailing med patent term adjustment. See 37 CFR 1.704(b). Responsive to communication(s) filed on 22 A and 2 and 2 and 2 and 2 and 3 and	Examiner Kien T. Nguyen Pears on the cover sheet with the county IS SET TO EXPIRE 3 MONTH(ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE grate of this communication, even if timely filed august 2005.	Art Unit 3711 correspondence address S) OR THIRTY (30) DAYS, N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
The MAILING DATE of this communication applied Reply HORTENED STATUTORY PERIOD FOR REPLICHEVER IS LONGER, FROM THE MAILING DITENSIONS of time may be available under the provisions of 37 CFR 1.1 for SIX (6) MONTHS from the mailing date of this communication. NO period for reply is specified above, the maximum statutory period filter to reply within the set or extended period for reply will, by statute yr reply received by the Office later than three months after the mailing med patent term adjustment. See 37 CFR 1.704(b). Responsive to communication(s) filed on 22 A and 2 and 2 and 2 and 2 and 3 and	Kien T. Nguyen Dears on the cover sheet with the c	3711 correspondence address S) OR THIRTY (30) DAYS, N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
HORTENED STATUTORY PERIOD FOR REPLICHEVER IS LONGER, FROM THE MAILING Dotensions of time may be available under the provisions of 37 CFR 1.1 for SIX (6) MONTHS from the mailing date of this communication. No period for reply is specified above, the maximum statutory periodilure to reply within the set or extended period for reply will, by statute y reply received by the Office later than three months after the mailing med patent term adjustment. See 37 CFR 1.704(b). Responsive to communication(s) filed on 22 A and 32 This action is FINAL. Since this application is in condition for allowed closed in accordance with the practice under A and 51 titles are pending in the application of Claims Claim(s) 1-22 is/are pending in the application	Y IS SET TO EXPIRE 3 MONTH(ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from to, cause the application to become ABANDONE g date of this communication, even if timely filed	s) OR THIRTY (30) DAYS, N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
HORTENED STATUTORY PERIOD FOR REPLICHEVER IS LONGER, FROM THE MAILING Dotensions of time may be available under the provisions of 37 CFR 1.1 for SIX (6) MONTHS from the mailing date of this communication. No period for reply is specified above, the maximum statutory periodilure to reply within the set or extended period for reply will, by statute y reply received by the Office later than three months after the mailing med patent term adjustment. See 37 CFR 1.704(b). Responsive to communication(s) filed on 22 A and 32 This action is FINAL. Since this application is in condition for allowed closed in accordance with the practice under A and 51 titles are pending in the application of Claims Claim(s) 1-22 is/are pending in the application	Y IS SET TO EXPIRE 3 MONTH(ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE ag date of this communication, even if timely filed the communication of the communicati	S) OR THIRTY (30) DAYS, N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
ICHEVER IS LONGER, FROM THE MAILING D tensions of time may be available under the provisions of 37 CFR 1.1 or SIX (6) MONTHS from the mailing date of this communication. No period for reply is specified above, the maximum statutory period illure to reply within the set or extended period for reply will, by statute by reply received by the Office later than three months after the mailing med patent term adjustment. See 37 CFR 1.704(b). ☐ Responsive to communication(s) filed on 22 A and a closed in accordance with the practice under A closed in accordance with the practice under A closed in accordance with the application. ☐ Claim(s) 1-22 is/are pending in the application.	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE g date of this communication, even if timely filed the communication are suggested.	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
This action is FINAL . 2b) ☐ This Since this application is in condition for allowal closed in accordance with the practice under the sition of Claims Claim(s) 1-22 is/are pending in the application		
This action is FINAL . 2b) ☐ This Since this application is in condition for allowal closed in accordance with the practice under the sition of Claims Claim(s) 1-22 is/are pending in the application		
This action is FINAL . 2b) ☐ This Since this application is in condition for allowal closed in accordance with the practice under the sition of Claims Claim(s) 1-22 is/are pending in the application		
Since this application is in condition for allowards closed in accordance with the practice under bition of Claims Claim(s) 1-22 is/are pending in the application	action is non-final.	
closed in accordance with the practice under the state of claims Claim(s) 1-22 is/are pending in the application		secution as to the merits is
ition of Claims Claim(s) <u>1-22</u> is/are pending in the application	,	
4 - \ Of the color of a large (-)		
4a) Of the above claim(s) is/are withdra	wn from consideration.	
Claim(s) is/are allowed.		
Claim(s) <u>1-22</u> is/are rejected.		
Claim(s) is/are objected to.		•
Claim(s) are subject to restriction and/o	r election requirement.	
ation Papers	· ·	•
The specification is objected to by the Examine	er.	
The drawing(s) filed on is/are: a) ☐ acc	epted or b)☐ objected to by the l	Examiner.
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).
The oath or declaration is objected to by the Ex	kaminer. Note the attached Office	Action or form PTO-152.
under 35 U.S.C. § 119		
Acknowledgment is made of a claim for foreigr a) ☐ All b) ☐ Some * c) ☐ None of:	priority under 35 U.S.C. § 119(a)-(d) or (f).
1. Certified copies of the priority document	s have been received.	
2. Certified copies of the priority document		on No
3. Copies of the certified copies of the prior		
application from the International Burea	u (PCT Rule 17.2(a)).	
See the attached detailed Office action for a list		
	of the certified copies not receive	ed.

1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ___

4) 🔲	Interview Summary (PTO-4	13)
	Paper No(s)/Mail Date	

5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

Attachment(s)

Application/Control Number: 10/758,019

Art Unit: 3711

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 18 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamaguchi et al U.S. Patent 4,988,300.

Yamaguchi et al disclosed a machine comprising a seat (2), a drive mechanism (16) that imparts a swing motion to the seat (col. 3, lines 61-66); a moving device (168, 169, 170) (col. 13, lines 66-68) that is repeatedly actuated during operation of the drive mechanism.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al in view of Friedson U.S. Patent 6,332,307.

Yamaguchi disclosed a machine comprising a seat (2); a drive mechanism (16) that imparts a swinging motion to the seat; the seat has a saddle shape; an elevator (168-170) provides to adjustability to the height of the seat and repeatedly raised and lowered the seat during operation of the drive mechanism; the swinging motion

Application/Control Number: 10/758,019

Art Unit: 3711

comprising three degrees of freedom of movement in the form of a longitudinal reciprocating linear motion and reciprocating pivoting motions around a fore-aft (Figs. 3-5) and transverse axes (Fig. 7-8). It is noted that the machine of Yamaguchi et al failed to teach the expandable and contractible member provided on a seating surface of the seat as set forth in claims 1-12 and 19. However, Friedson disclosed a saddle assembly comprising an expandable and contractible member in a form of an air bladder (25) (see Fig. 7) providing on each side of the saddle which inherently including positions in oppose the thighs and knees of the user; and a mechanism (26) for expanding and contracting the member (see column 4, lines 64-67 and column 5, lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art to modify the machine of Yamaguchi et al with the bladders as taught by Friedson for the purpose of providing comfort for the user as well as enhancing the motion of the seat during operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/758,019

Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kien T. Nguyén ()
Primary Examiner

Page 4

Art Unit 3711

Ktn